

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

In re HAIN CELESTIAL HEAVY METALS
BABY FOOD LITIGATION,

This Document Relates To:
ALL ACTIONS

Case No. 2:21-CV-0678-JS-AYS

**RESPONSE IN SUPPORT OF MOTION FOR APPOINTMENT OF ERIN GREEN
COMITE AS INTERIM CLASS COUNSEL AND FOR APPOINTMENT OF AN
EXECUTIVE COMMITTEE PURSUANT TO FED. R. CIV. P. 23(g)**

I. INTRODUCTION

Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure and the Court's Consolidation Orders (Dkt. Nos. 47, 50), Haeggquist & Eck, LLP ("HAE"), counsel for Plaintiff Noelle Ojeda, submits this response in support of the Motion by Erin Green Comite of Scott+Scott Attorneys at Law LLP for appointment as Interim Class Counsel and appointment of an executive committee.

Ms. Comite has demonstrated that under the present circumstances she is the best suited to protect all class members' interests. She has shown credible and competent commitment to this action, she has invaluable experience in handling these types of complex actions, she has in-depth knowledge of the applicable law, she has and will continue to commit the necessary resources to representing the class members, and she has demonstrated her ability to organize, manage, and unite several plaintiffs' cases in a conflict-free manner to a non-objectionable resolution. Ms. Comite is a leader in the bar, satisfies the requirements of Rule 23 (g) for appointment as Interim Class Counsel and her motion should be granted.

II. HAE'S SUPPORT OF MS. COMITE IS CREDIBLE AND WELL INFORMED

Amber Eck of Haeggquist & Eck, LLP has been litigating class actions for over 26 years and is an experienced leader in complex class action litigation. Ms. Eck has been recognized the last two years in a row by Super Lawyers as one of the top 50 attorneys in San Diego, and one of the top 25 women attorneys in San Diego. Ms. Eck was also recognized as a “Best Lawyer” in securities litigation by U.S. News & World Reports for 2021.

Haeggquist & Eck, a minority woman-founded and women-owned law firm, has a well-documented history of looking out for class members’ interests, as demonstrated by their leadership in reaching the highly publicized \$25 million settlement against Donald Trump and Trump University, wherein the firm (and its co-lead counsel) took no attorneys’ fees for its seven years of work in the case to ensure class members received about 90% of the value of their claims. *See Low v. Trump University, LLC, et al.*, Case No. 3:10-cv-00940-GPC-WVG (S.D. Cal.); *Cohen v. Donald J. Trump*, Case No. 3:13-cv-02519-GPC-WVG (S.D. Cal.). HAE also has a wealth of experience in serving as co-lead counsel in numerous complex class actions against some of the world’s largest tech companies.

HAE is currently serving on the Plaintiffs’ Executive Committee in *In Re: Apple Device Performance Litigation*, Case No. 5:18-md-02827-EJD (N.D. Cal.), in which a \$500 million settlement has received final approval. HAE has served as co-lead counsel in numerous other complex class actions against tech companies that resulted in meaningful class-wide settlements. *See, e.g., Gordon v. Apple Computer, Inc.*, Case No. 5:06-cv-05358-JW (N.D. Cal.); *In Re Magsafe Power Adapter Litigation*, Case No. 5:09-cv-01911-EJD (N.D. Cal.); *In Re Sony VAIO Computer Notebook Trackpad Litigation*, Case No. 3:09-cv-02109-BAS-MDD (S.D. Cal.); *Park, et al. v. Zuffa, LLC, et al.*, Case No. 2:17-cv-02282-APG-VCF (D. Nev.) (class members received up to 100% refund).

Ms. Comite, who has a proven track record in complex litigation, and has specific, valuable experience in litigation involving claims of contaminated food products from her prior leadership appointment in *In re Herbal Supplements Marketing and Sales Practices Litigation*, MDL No. 2519 (N.D. Ill.). Ms. Comite's prior experience gives her a unique perspective and will benefit this litigation against Hain given that the *Herbal Supplements* litigation involved claims regarding the ingredients and potential contaminants contained within certain supplements, and included extensive discovery, testing, and expert analyses of the products.

Ms. Comite and her proposed leadership team are in the process of conducting their own independent testing of the products at issue. She has set the case up for success, she can achieve consensus, and she can and will move the action toward a non-objectionable resolution. Moreover, given the needs of the case, a small leadership structure with Ms. Comite as sole lead counsel will best serve the interests of the class members.

In sum, Ms. Comite has advocated, and she will continue to advocate, on behalf of all class members to ensure all their claims are given the credence they deserve. Ms. Comite will continue to work with all Plaintiffs and their counsel, as necessary, to reach consensus on the scope of the claims to ensure each class member obtains adequate and significant relief.

III. CONCLUSION

For the foregoing reasons, HAE respectfully requests the Court appoint Ms. Comite as Interim Class Counsel.

Respectfully submitted,

Dated: June 10, 2021

HAEGGQUIST & ECK, LLP
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CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 10, 2021.

s/ Amber L. Eck

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